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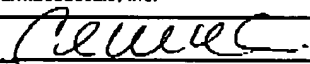
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<b>TRANSMITTAL FORM</b>  <small>(to be used for all correspondence after initial filing)</small>	Application Number	09/935,316
	Filing Date	8/22/2001
	First Named Inventor	Ching-Leou Teng
	Art Unit	1635
	Examiner Name	Jon Eric Angell
Total Number of Pages in This Submission <b>79</b>	Attorney Docket Number	ISIS-4824

ENCLOSURES (Check all that apply)		
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	Isis Pharmaceuticals, Inc.	
Signature		
Printed name	Colleen J. McKiernan, Ph.D.	
Date	<u>Jan 3, 2006</u>	Reg. No. 48,570

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**DOCKET NO.: ISIS-4824****PATENT**

of components is clearly stated in the claims which require the combination of drug and bioadhesive in a population of particles. Moreover, having two separate populations of particles allows for the preparation of an oral dosage formulation "in a manner that does not impair the adhesive or release properties of the other" population of particles as discussed in paragraph 0017.

This is clearly distinct from Digenis who teaches a "a hard capsule 10 which is formed from gelatin, starch, or hydrophilic polymer, and which comprises a three compartment delivery system for its pharmacologically active components" (col 9, lines 49-52). The hydrophilic polymer may be hydroxypropyl methylcellulose. As the hydroxypropyl methylcellulose forms the hard outer capsule, it cannot be formed into particles or commingled with the drug as claimed in claim 30. Therefore, claim 30 cannot be obvious in view of the combination of Teng and Digenis. As the remaining claims are dependent either directly or indirectly on claim 30, they are also not obvious in view of the cited references. Therefore the rejection for obviousness over 35 USC 103(a) is overcome.

The newly added claim 41 further states that the populations of carrier particles are released concurrently. This does not further limit the composition of the particles beyond what is claimed, only that the timing of their release from the formulation. As the claim includes all of the limitations of the allowable claim 30, it is also allowable.

#### **FEES**

The Commissioner is hereby authorized to charge \$60.00 to Deposit Account 50-0252 referencing case number ISIS-4824 for a one month extension in time of response, small entity. It is believed that no further fee is due. However, if an additional fee is due, the Commissioner is hereby entitled to charge the Deposit Account listed above referencing this case.

**DOCKET NO.: ISIS-4824****PATENT****CONCLUSION**

The Applicants submit that the application is now in proper form for allowance. If the Examiner believes that there are any outstanding issues remaining in the case, he is encouraged to contact the Agent for Applicant listed below to discuss the matter.

Respectfully submitted,



**Colleen J. McKiernan, PhD**  
Agent for Applicant  
Registration No. 48,570

Date:

Jan 3, 2006

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